

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43100 of 2014

Arising Out of PS.Case No. -1560 Year- 2011 Thana -COMPLAINT CASE District- JAMUI

Kundan Sah @ Kundan Saw, son of Suresh Sah, Resident of Vill. Bhaluana,
P.S. Chandradip, District-Jamui

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amar Prakash

For the Opposite Party/s : Mr. Shardanand Jha (App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 16-04-2015

Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

The petitioner apprehending his arrest in Complaint Case No. 1560(C) / 2011 for the offences under Sections 376, 323and 504/34 of the Indian Penal Code, seeks privilege of pre-arrest bail.

Allegedly, the petitioner committed rape with the complainant and after causing threats fled away.

The submission on behalf of the petitioner is of false implication and that earlier the mother of the petitioner had filed Complaint Case No. 557 (C) /2010 under Section 376 of the Indian Penal Code against Bhola Sah and Punit Sah, husband and son of the complainant and in that case both have been acquitted on the basis of compromise and thereafter this case has been

filed. The petitioner works at Banglore and he has been falsely implicated. The learned Additional Public Prosecutor duly assisted with learned counsel for the complainant opposes the prayer for bail by submitting that the petitioner has committed heinous crime.

Considering the allegation attributed against the petitioner, this Court is not inclined to grant the privilege of pre-arrest bail to the petitioner. The prayer for grant of pre-arrest bail to the petitioner stands rejected in Complaint Case No. 1560(C) / 2011 pending in the Court of Sri B.K.Singh, Judicial Magistrate 1st Class, Jamui.

(Jitendra Mohan Sharma, J)

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